

5

REMARKS

Applicant has carefully reviewed the Office Action dated May 5, 2004. Applicant has amended Claims to more clearly point out the present inventive concept. Reconsideration and favorable action is respectfully requested.

Claims 1-17 were rejected under 35 U.S.C. 103(b) over Ruiz in view of Jorgensen. Claim 1 recites that: "wherein the longitudinal extension of the non-compliant medical balloon remains substantially unchanged when the balloon changes from a deflated state to an inflated state."

Ruiz discloses "a balloon element 12 and sheath 13 having expandable but non-compliant mesh 14 disposed over balloon element 12." (Column 3, lines 57-59) When any compliant balloon is inflated, the longitudinal extension of the compliant balloon will necessarily shorten when the balloon changes from a deflated state to an inflated state.

Jorgensen discloses:

"A balloon 22 formed of an elastomeric skin 24 is secured to the tubes of the catheter. As shown, the proximal end of the balloon is secured to the outer diameter of tube 14, while the distal end of the balloon is secured to the outer diameter of tube 12. Balloon 22 is shown in its fully expanded state. Inflation lumen 20, which is in fluid communication with the interior volume of the balloon, allows such balloon to be inflated from a diameter D.sub.defL (non-inflated) to a diameter D.sub.infl (fully inflated). Referring to FIGS. 2 and 3, a constraining structure 26 is affixed to skin 24. Column 3, lines 25-35.

In Jorgensen as well as Ruiz, a compliant balloon is inflated within a non-compliant structure to limit the inflated diameter of the balloon. When the compliant balloon is inflated, the longitudinal extension of the compliant balloon is changed.

As such, neither Ruiz nor Jorgensen, nor any combination of the disclosures, teaches a substantially unchanged longitudinal extension. Applicant, therefore, respectfully request that the rejection of claims 1-17 under Ruiz in view of Jorgensen be withdrawn.

Applicant has now made an earnest attempt in order to place this case in condition for allowance. For the reasons stated above, Applicant respectfully requests full allowance of the claims as amended.

AMENDMENT AND RESPONSE


S/N 10/726,464

Atty. Dkt. No. FMED-26,554

6

Please charge any additional fees or deficiencies in fees or credit any overpayment to Deposit Account
No. 20-0780/FMED-26,554 of HOWISON & ARNOTT, L.L.P.

Respectfully submitted,
HOWISON & ARNOTT, L.L.P.
Attorneys for Applicant



David C. Cain
Registration No. 45,337

dc:dc

P.O. Box 741715
Dallas, Texas 75374-1715
Tel: 972-479-0462
Fax: 972-479-0464
July 9, 2004

AMENDMENT AND RESPONSE
S/N 10/726,464
Atty. Dkt. No. FMED-26,554